



POLICY 5.09

- 4B I recommend the Board approve adoption of the proposed revised Policy 5.09, entitled "Attendance, Absenteeism, and Truancy."

[Contact: Keith Oswald, PX211131 and June Eassa, PX48881]

Adoption

CONSENT ITEM

- This revised policy is prepared in accordance with Florida laws and State Board of Education rules authorizing the School Board to adopt policies and procedures governing attendance monitoring and checks, truancy, and the enforcement of attendance laws and rules.
- The revised policy provides for:
 - A renaming of the policy from "Enforcement of School Attendance" to "Attendance, Absenteeism and Truancy".
 - A complete re-writing of the policy to include relevant portions of Policies 5.0901 (Regular School Attendance) and 5.093 (Attendance – Checking, Recording and Reporting). Policies 5.0901 and 5.093 are proposed for repeal.
- This policy is also being revised to comply with the Agreement between the United States Department of Justice and the School District entered on February 26, 2013. The agreement resolved the Justice Department's investigation into complaints regarding the District's policies and practices for registering and enrolling students and administering student discipline.
- Specifically, the revised policy:
 - Establishes definitions for absence, class attendance, school attendance, early dismissal, excuses absence, habitual truant, regular attendance, school day, tardy, unexcused absence, etc.
 - Provides for the required number of days that a student must be in attendance (180 days).
 - Provides for parents/guardians to give written notification to schools of the child's absence and related reason within 24 hours. Otherwise, the student should present as written explanation upon return to school.
 - Requires school centers to track student attendance and absence through use of computers; and to report attendance, absences and tardiness on report cards.
 - ~~Provides that a student is absent when the student misses fifty~~

~~percent or more of the instructional day or the instructional class period, due to tardiness or early dismissal.~~

- ~~○ Provides that tardies and early dismissals will result in unexcused absences on the 5th, 10th, 15th, etc., of such instances.~~
- Prohibits a student from being sent home or refused school admission due to tardiness.
- Provides for school intervention and enforcement of attendance; requiring schools to timely respond to student absences by contacting the parent/guardian; school based intervention teams to address patterns of non-attendance and implement interventions with parents/guardians; truancy interventions with area truancy liaison for unsuccessful school based interventions; and District-level intervention.
- Provides a means by which a parent/guardian may challenge intervention strategies.
- Requires students be afforded an opportunity to make up work, without academic penalty, for excused and unexcused absences, including suspensions. The student will be granted the same number of days as absent to make up such work.
- Requires principals to be responsible for the administration and implementation of laws and rules related to attendance checking, report and recordings; ensure attendance reports are accurate, timely and maintained in accordance with laws; ensure school staff are trained on the proper recordings of attendance; annually certify the completeness and accuracy of attendance records, etc.
- Provides responsibilities for teachers related to the checking, recording and reporting of attendance.
- Outlines the responsibilities of parents/guardians and students for attendance.
- Provides for the superintendent to notify the Department of Highway Safety and Motor Vehicles upon a student (14 to 18 years of age) accumulation of 15 unexcused absences in a consecutive 90 calendar day period.
- ~~Modification to Subcategory b(i) and b(ii) of Section 5 relating to considered absences when fifty percent or more of the identified instructional class period is missed by student.~~

POLICY 5.09

ATTENDANCE, ABSENTEEISM, AND TRUANCY¹

1. Purpose

This policy is to encourage regular school attendance and punctuality by establishing requirements for student attendance, outlining guidelines or procedures for attendance monitoring and reporting, and establishing procedures supporting chronically absent and habitually truant students as required by Florida laws, rules, and regulation.

Research indicates that students miss school for many reasons, which can be divided into three broad categories (*The Importance of Being in School: A Report on Absenteeism in the Nation's Public Schools*. Robert Balfanz & Vaughn Byrnes, John Hopkins University Center for Social Organization of Schools, May 2012):

- Students who *cannot attend* school due to illness, family responsibilities, housing instability, the need to work or involvement with the juvenile justice system.
- Students who *will not attend* school due to bullying, unsafe conditions, harassment, and embarrassment.
- Students who *do not attend* school because they or their parents do not see the value in being there, they have something else they would rather do, or nothing stops them from skipping school.

2. Scope

This policy applies to District students enrolled in grades Pre-K to 12.

3. Definitions

For the purposes of this policy, the following definitions shall apply:

- a. *Absence* means not being actually present when attendance is checked, unless the student arrives within time to be marked "tardy" instead of absent. Students may not be counted in attendance while away from the school on a school day unless they are engaged in an educational activity which constitutes part of the school-approved instructional program.

¹ Esta norma está disponible en español.

Règleman sa a disponib an Kreyòl.

ESTE REGULAMENTO ESTÁ DISPONÍVEL EM PORTUGUÊS.

- 31 b. *Class Attendance* is the physical presence of a student in class for at least half
32 of the period, or a student who has been excused by the teacher on a class-
33 related assignment, or a student who has been requested by a member of the
34 support staff for an approved school activity.
- 35 c. *School Attendance* is the presence of student on days school is in session.
36 The student must be actually at the school to which he or she has been
37 assigned or present at an education activity which constitutes part of the
38 approved school program for that student.
- 39 d. *Early dismissal* means leaving school/class before the day/period ends.
- 40 e. *Excused Absence* is an allowable absence in accordance with this and other
41 Board policies. Students must be in school unless the absence has been
42 permitted or excused for one of the reasons listed below.
- 43 i. Student illness. If a student is continually sick and repeatedly absent
44 from school, he or she must be under supervision of a physician in order
45 to receive an excuse from attendance.
- 46 ii. Medical appointment.
- 47 iii. Death in the family.
- 48 iv. Observance of a religious holiday or service that is recognized as such by
49 all members of the faith.
- 50 v. Subpoena by law enforcement agency or mandatory court appearance.
- 51 vi. Extreme weather conditions such as, but not limited to, floods, hurricanes,
52 tornadoes, or other acts of God which make it impractical or inadvisable
53 for the safety of the student to attend school.
- 54 vii. Suspension. Suspension, in-school and out-of-school, is the temporary
55 removal of the student from his or her regular school program or all
56 classes of instruction on public school grounds and all other school-
57 sponsored activities, except as authorized by the Principal or designee,
58 as defined by Fla. Stat. § 1003.01(5)(a),(b), and provided for in the
59 Student Conduct Codes, Policies 5.1812 and 5.1813.
- 60 viii. Students on field trips which are authorized by the principal are not
61 considered absent. The school related trips should be those which
62 related to the curriculum.
- 63 ix. Other individual student absences beyond the control of the parent or
64 student, as determined and approved by the principal or the principal's
65 designee.
- 66 f. *Habitual Truant* means a student who has fifteen (15) unexcused absences
67 with ninety (90) calendar days with or without the knowledge or consent of the
68 student's parent/guardian, is subject to compulsory school attendance, and is
69 not exempted from compulsory attendance under state laws and regulations.
70 Such a student must have been the subject of the activities specified in Fla.

71 Stat. §§ 1003.26 and 1003.27(3), without resultant successful remediation of
72 the truancy problem before being dealt with as a child in need of services
73 according to the provisions of Chapter 984. Fla. Stat.

- 74 g. *Regularly or regular attendance* means attending school every school day,
75 including every school period, for the entire class period, of each course or
76 class in which a student is enrolled (or the equivalent of such class periods in
77 schools with block scheduling).
- 78 h. *School day* for a given student is that portion of the day in which school is
79 actually in session for the group of students of which the student is a part.
80 Students may not be counted in attendance while away from the school on a
81 school day unless they are engaged in an educational activity which
82 constitutes a part of the school-approved instructional program.
- 83 i. *Subject to compulsory attendance* refers to minors who have attained at least
84 the age of six years (or who will have attained the age of six by February 1 of
85 that school year), who are required by law to attend school regularly unless an
86 exemption or exception is applicable under Chapter 1003, Fla. Stat.
- 87 j. *Tardy* is a student reporting late to school or class after the school day or class
88 has begun, consistent with the provisions of section 4(B)(1) of this policy.
89 There is no grace period after a bell rings commencing the school day or a
90 class period. Tardies may be excused or unexcused according to this policy
91 and the definitions for excused and unexcused absences.
- 92 k. *Unexcused absence* is an absence which is not in accord with this policy and
93 other Board policies. An unexcused absence is any absence that does not
94 fall into one of the designated excused absence categories, as provided in
95 subparagraph 2(e) herein. Each school in the District must determine if an
96 absence or tardiness is excused or unexcused in accordance with this policy.

97 98 4. **Policy Statement**

99 The Board believes that regular and punctual school attendance play important
100 roles in a student's achievement, as there is a strong correlation among regular
101 school attendance, academic achievement, and the completion of school.
102 Although school attendance is the responsibility of the parents or guardians and
103 students, the District is dedicated to increasing the meaningful involvement of
104 parents and guardians in all aspects of their students' lives, including the reduction
105 of chronic absences and truancy.

106
107 To combat unexcused absences and truancy, all District schools are dedicated to
108 providing culturally, linguistically, fair and age-appropriate interventions. District
109 students shall not be treated differently with regard to attendance, absence or
110 truancy on the basis of their race, color, ethnicity, national origin, sex, sexual

111 orientation, marital status, age, religion, disability, genetic information, gender
112 identity or expression.

113
114 In accordance with Fla. Stat. § 1003.26, the superintendent is responsible for
115 enforcing school attendance of all children and youth subject to the compulsory
116 school age in the District's schools.

117
118 **5. Attendance and Absences**

119 **a. Attendance, Absence, and Excuse Requirements**

120 i. *In General.* Except as provided in Fla. Stat. § 1003.24 and State Board
121 of Education Rule 6A-1.09513, all students are expected to attend school
122 regularly and to be on time for classes in order to benefit from the
123 instructional program and to develop habits of punctuality, self-discipline,
124 and responsibility. Each student is required to attend classes one
125 hundred and eighty (180) days each school year. To be in compliance
126 with these attendance requirements, students must not accumulate fifteen
127 (15) unexcused absences in a period of ninety (90) calendar days.

128 ii. *Parental Notification of Absence to School.* Parents and guardians are
129 responsible for notifying the school when a child will be absent and for
130 informing the school of the reason for the absence. Thus, parent and
131 guardians are expected to notify the school when their child is absent and
132 inform the school of the reason for the absence within twenty-four (24)
133 hours by a written note. Otherwise, students returning from an absence
134 shall be required to present a written explanatory excuse from their
135 parents or guardians stating the cause for the absence.

136 iii. *Tracking of Absences.* The school centers shall track students'
137 excused and unexcused absences and attendance in the District's
138 computer system.

139 iv. *Makeup of Assignments.* For excused and unexcused absences,
140 including suspensions, the student will be afforded the opportunity to
141 make up work without academic penalty. For in-school suspensions,
142 students will receive assignments daily. For out-of-school suspensions,
143 students will receive assignments in a timely manner.

144 (a) *Excused or Unexcused Absences.* The number of days allowed to
145 make up the work shall be the same as the number of days the
146 students was absent. It is the student's responsibility to contact his
147 or her teacher(s) about the makeup assignments and to complete all
148 makeup work timely.

149 (b) *Suspensions.* For in-school and out-of-school suspensions, all
150 work is due on the day of return from the suspension.

- 151 v. *Reporting on Student Report Cards.* Attendance, including absences
152 and tardiness, shall be reported on student report cards, as required by
153 Fla. Stat. § 1003.33(1)(c) and (2).

154 b. **Late Arrival and Early Dismissal**

155 The Board recognizes that from time-to-time compelling circumstances require
156 that a student be late to school or dismissed before the end of the school day.
157 Parents or guardians must follow the same process to obtain an excuse for
158 tardiness or to obtain permission for early dismissal, as they do to obtain an
159 excuse for an absence. A pattern of non-attendance for instructional activities
160 is established by tardiness, early sign-outs, or absences for all or any part of
161 the day.

- 162 i. *Late Arrivals or Tardiness.* Students reporting late to school/class when
163 the day/class period begins are considered tardy. Excessive tardiness
164 shall be addressed on a case-by-case basis to determine if there is a
165 pattern of non-attendance. Unless excused under the provisions of this
166 policy, accumulated tardiness will be recorded as unexcused absences
167 consistent with Fla. Stat. § 1003.02(1)(b) and this policy. ~~When an~~
168 ~~elementary or secondary student misses fifty (50) percent or more of the~~
169 ~~instructional day or of the identified instructional class period, due to late~~
170 ~~arrival or tardiness, the student shall be considered absent.~~ **When**
171 **a secondary student misses fifty (50) percent or more of the**
172 **identified instructional class period, due to late arrival or tardiness,**
173 **the student shall be considered absent.**

- 174 ii. *Early Dismissal.* Excessive early sign-outs will be addressed on a case-
175 by-case basis to determine if there is a pattern of non-attendance.
176 Unless excused under the provisions of this policy, accumulated early
177 dismissals will be recorded as unexcused absences consistent with Fla.
178 Stat. § 1003.02(1)(b) and this policy. ~~When an elementary or secondary~~
179 ~~student misses fifty (50) percent or more of the instructional day or of the~~
180 ~~identified instructional period, due to early dismissals, the student shall be~~
181 ~~considered absent. Schools shall establish procedures for early~~
182 ~~checkouts that ensure students are treated consistently.~~ **When**
183 **a secondary student misses fifty (50) percent or more of the**
184 **identified instructional class period, due to early dismissal, the student**
185 **shall be considered absent.**

- 186 ~~iii. *Accumulated Tardiness and Accumulated Early Dismissals* will result in a~~
187 ~~documented unexcused absence on the 5th (10th, 15th, etc.) instance of~~
188 ~~being tardy or early dismissal.~~

- 189 iii. *Academic Time.* Students are not to be sent home or refused admission
190 to school due to tardiness. Students who arrive late for any class period

191 must be allowed to proceed to their classes after obtaining proper
192 documentation of their tardiness.

193 iv. *School Rule or Policy.* Any school creating a late arrival and/or early
194 dismissal rule or policy shall submit the proposed school rule or policy to
195 the Area Superintendent for review and approval prior to the
196 implementation of the rule/policy.

197 c. **School Level Interventions and Enforcement**

198 Each school shall implement the following steps to enforce regular school
199 attendance of the students enrolled in their schools.

200 i. *Timely Actions Required for Absences.* To prevent the development of
201 patterns of non-attendance, the principal or designee at each school
202 center shall respond in a timely manner to unexcused absences, or every
203 absence for which the reason is unknown, by contacting the student's
204 parents/guardians to determine the reason for the absence as ~~required~~
205 authorized by Fla. Stat. § 1003.26(1)(a). Every effort must be made to
206 ~~telephone~~ contact the parent/guardian on the first day of a student's
207 absence.

208 ii. *Implementing Interventions/School-Based Teams.* If a student has
209 accumulated five (5) days of unexcused absences, or absences for which
210 the reasons are unknown, within a calendar month or ten (10) unexcused
211 absences within a ninety (90) calendar day period, or an equivalent
212 combination of unexcused absences and accumulated tardies, the
213 student's primary teacher shall report such information to the principal or
214 designee. If there is a pattern of non-attendance, the principal or
215 designee shall refer the student to the school-based team. If the school-
216 based team finds a pattern of non-attendance, a letter is sent to the
217 parents/guardians requesting a meeting in accordance with Fla. Stat. §
218 1003.26.

219
220 The school-based team, after meeting with the parents/guardians, shall
221 implement interventions, including but not limited to:

- 222
223
- frequent communications with the teacher and family;
 - attendance contracts for students;
 - changes in the learning environment;
 - mentoring, counseling, and tutoring, including peer tutoring;
 - placement into different classes;
 - referral to other agencies for family services; and
- 224
225
226
227
228

- 229 • information about alternative methods of education, such as
230 virtual, home, or hospital homebound. ~~charter schooling.~~
- 231 iii. *Area Interventions.* If the student interventions are working
232 successfully, the school center need not take any further actions. If
233 unexcused attendance concerns continue and the student has
234 accumulated up to fifteen (15) absences, the school-based team will
235 complete PBSD Form 1462 (Student Truancy Referral) and refer the
236 matter to the appropriate area truancy liaison. Interventions to be
237 undertaken by an area truancy liaison shall include, but not be limited to:
238
- 239 • conference with referring principal or designee;
 - 240 • conference with student, and parent/guardian;
 - 241 • agency referral, if appropriate;
 - 242 • notice of non-attendance letter from the District office sent to
243 parent/guardian;
 - 244 • monitoring attendance and parent's/guardian's compliance with
245 recommendations and/or interventions; and
 - 246 • ~~recommend an educational alternative~~ providing information
247 about alternate methods of education such as virtual, home, or
248 hospital homebound.
- 249
- 250 iv. *District Interventions.* After the school has complied with the
251 intervention requirements of Fla. Stat. § 1003.26(1)(b) and the student
252 continues to not comply with attempts to enforce school attendance, the
253 Superintendent/designee shall take one of the following actions in all
254 cases of habitual truancy, in accordance with Fla. Stat. § 1003.27(3).
- 255 (a) File a truancy petition using the procedures outlined in Fla. Stat. §
256 984.151; or
 - 257 (b) File a child-in-need-of-services petition using the procedures outlined
258 in Chapter 984, Fla. Stat., and refer the habitually truant student and
259 the student's family to the children-in-need-of-services and families-
260 in-need-of-services provider or case staffing committee as
261 determined by a cooperative agreement between the School Board,
262 the Department of Juvenile Justice, and the Department of Children
263 and Families, as provided in Fla. Stat. § 1003.27(4).
- 264 v. *Parental Challenge to Intervention.* If the parent/guardian refuses to
265 participate in the intervention strategies because he/she believes that
266 those strategies are unnecessary or inappropriate, the parent/guardian
267 may appeal to the Board. The Board may provide a hearing officer to

268 make recommendations for its final action. If the Board's final
269 determination is that the strategies are appropriate, and the
270 parent/guardian still refuses to participate or cooperate, the
271 superintendent may seek criminal prosecution for noncompliance with the
272 compulsory school attendance laws as provided in Fla. Stat. § 1003.26.

273 d. **Discipline and Attendance Violations.**

274 In accordance with Fla. Stat. § 1006.09(1)(b) and the Student Codes of
275 Conduct (Board Policies 5.1812 and 5.1813), no student is to be suspended
276 for having unexcused tardiness, lateness, absences, or truancy. However,
277 other discipline and/or other interventions besides suspension may be
278 imposed for unauthorized attendance related actions of students such as:

- 279 • being out of the assigned area;
- 280 • leaving the class or school grounds without authorization;
- 281 • being temporarily absent from class without appropriate permission;
- 282 or
- 283 • failing to attend assigned classes.

284 e. **Responsibility of School Centers and School Employees**

285 i. *Attendance Records and Reporting.* Accurate attendance records shall
286 be kept at each District school in accordance with state law, School
287 Board of Education rules, and Board policies and procedures.

288 (a) *Principal's Responsibility.* The Principal shall:

- 289 (i) Be responsible for the administration and implementation of all
290 Florida laws, State Board of Education Rules, and Board
291 policies pertaining to the checking, recording, and reporting of
292 student attendance. Each principal must make the necessary
293 provisions to ensure that all school attendance reports are
294 accurate, timely, and maintained so as to show the absence or
295 attendance of each student enrolled for each school day of the
296 year, in accordance with Fla. Stat. § 1003.23 and State Board of
297 Education Rule 6A-01.044. F.A.C.
- 298 (ii) Ensure that all classroom teachers and other necessary school
299 employees are trained and instructed in the proper recording of
300 attendance and may periodically determine whether instructions
301 are being followed.
- 302 (iii) Inspect and determine the completeness, accuracy, and
303 timeliness of all school attendance records contained in the
304 recordkeeping system for students.
- 305 (iv) At the end of each year, certify the completeness and
306 accuracy of attendance records indicating such records have

- 307 been kept in accordance with state laws and rules, as
308 required by Rule 6A-1.044, F.A.C.
- 309 (v) Determine, or cause his or her designee to determine,
310 whether an absence or tardiness is excused or unexcused
311 according to the provisions of this policy.
- 312 (vi) Be familiar with state laws and Board policies and procedures
313 governing attendance and apply them uniformly to all students.
- 314 (vii) Implement the steps enumerated in Fla. State. § 1003.26 to
315 promote and enforce regular school attendance of its students.
- 316 (viii) Notify the Board, through the Superintendent, of each minor
317 students who accumulates fifteen (15) or more unexcused
318 absences within a period of ninety (90) calendar days.
- 319 (b) *Teacher's Responsibility and Certification.* Each classroom teacher
320 shall:
- 321 (i) Implement the school's plan for checking, recording, and
322 reporting student attendance as prescribed by law, State rules,
323 and Board policies.
- 324 (ii) On a daily basis, perform the official attendance check and
325 recording for each classroom and/or for each class period at the
326 designated time in the school's plan, and shall report such
327 attendance findings by the prescribed method to the school
328 office. The records shall include a register of enrollment and
329 attendance, showing the absence or attendance of each child
330 enrolled for each school day or class in a manner as prescribed
331 by the State Board of Education. A teacher's submission of
332 daily attendance records to the principal is a certification by the
333 teacher that the daily attendance records are complete and
334 accurate, and have been kept as prescribed by state laws and
335 rules, and policies of the Board.
- 336 (iii) Be familiar with all procedures governing attendance and apply
337 the procedures uniformly in classroom assignments for all
338 assigned students.
- 339 ii. *Interventions or Enforcement of Attendance.* Each school shall
340 implement intervention and enforcement measures consistent with Fla.
341 Stat. § 1003.26 and this policy.
- 342 iii. *Academic Performance Does Not Excuse Absences.* Pursuant to Fla.
343 Stat. § 1003.33(2), schools shall not:
- 344 (a) exempt students from any examinations, papers, or other academic
345 performance requirements based on practices or policies designed
346 to encourage student attendance; or

347 (b) use a student's attendance record, in whole or in part, to provide an
348 exemption from any academic performance requirement. The
349 Student Progression Plan under Policy 8.01 shall be interpreted
350 consistent with this Policy.

351 **f. Parent/Guardian Responsibilities or Rights**

352 It is the responsibility or right of the student's parent/guardian (or student of
353 legal age as defined by Policy 5.072) to:

- 354 i. Ensure the student is attending school.
- 355 ii. Report absences to the school as soon as practical or to explain the
356 student's absence upon return to school by providing a statement of the
357 cause of such absence. A justification for absence by a parent/guardian
358 or student of legal age shall be evaluated consistent with this policy's
359 definition of excused and unexcused absences.
- 360 iii. Notify the principal or designee as to the reason for any tardiness or
361 request for early dismissal. Justifiable reasons shall be determined by
362 the Principal or designee consistent with this policy.
- 363 iv. Be notified if their child misses school and the parents/guardians have not
364 reported the absence to the school, consistent with Fla. Stat. §
365 1003.26(1);
- 366 v. Work cooperatively with the school and the student to resolve any
367 attendance issues that may arise.
- 368 * vi. Request a hearing if they refuse to participate in the interventions
369 developed by the school-based team because they believe that those
370 interventions are unnecessary or inappropriate.
- 371 vii. Continue to perform the parental functions of a dependent student when a
372 student reaches the age of majority, including but not limited to, providing
373 excuses for absences and tardiness, permission slips for early release,
374 field trips, other activities, as necessary, and to register or terminate
375 school enrollment until the student graduates, except under the following
376 circumstances.
 - 377 (a) The student has become a student of legal age as provided in Policy
378 5.072.
 - 379 (b). The student has no parent and this fact is verified by school
380 administration.

381 **g. Responsibility of Students**

382 It is the student's responsibility to:

- 383 i. Attend all assigned classes and other instructional activities on time every
384 day that the school is in session.
- 385 ii. Be aware of and follow the correct procedures when absent from an
386 assigned class or other instructional activity.

- iii. Request any missed assignments due to an absence.
- iv. Complete assigned work in a timely manner.

6. **Driving Privileges and Attendance: Report to Department of Highway Safety and Motor Vehicles**

Pursuant to Fla. Stat. §§ 322.091 and 1003.27, the District is required to report to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) the names, dates of birth, sex and social security numbers of students ages 14-18 who accumulates fifteen (15) unexcused absences in any consecutive 90-calendar-day period. Whenever any student has a total of fifteen (15) days of unexcused absence from school during any semester, the student will be considered habitually absent. The Board authorizes the superintendent to inform the student and parents/guardians of the record of excessive absences as well as the District's intent to notify the DHSMV of the student's excessive absences.

In accordance with law, the District shall hold a hardship hearing upon the request of any student whose license has been suspended pursuant to this section. The board hereby authorizes the superintendent to develop administrative procedures to implement administrative procedures for such hearing, consistent with state laws and technical assistance from Florida Department of Education. The principal or designee will conduct the hardship hearing within thirty (30) calendar days of receiving the request in accordance with the procedures established by the Superintendent.

7. **Delegation of Authority**

The superintendent is authorized to develop appropriate procedures for the implementation of this policy.

8. **Students with Disabilities**

This Policy shall be construed in harmony with the IDEA and Section 504 of the Rehabilitation Act and their federal implementing regulations and parallel state laws and an IEP or 504 Plan implementing such laws.

9. **Publication of Policies**

This policy shall be made available in English, Spanish, Creole, Portuguese, and any other language as determined by the superintendent as necessary to facilitate the policy's understanding by parents/guardians and students whose primary language is not English.

427 10. **Availability of Interpretation and Translation Services**

428 a. **Definitions.** For the purposes of this section, the following meanings are
429 applicable:

430 i. *Interpretation* means the act of contemporaneous communication
431 between a speaker of English and a speaker with Limited English
432 Proficiency (LEP) wherein the words of one person are communicated to
433 others orally in a different language.

434 ii. *Translation* means the written communication between a speaker of
435 English and a speaker with Limited English Proficiency (LEP) wherein the
436 written words of one person are communicated to others in writing in a
437 different language.

438 iii. *Primary language* means the primary language spoken by a student's
439 parent/guardian, as determined by the District.

440 b. **Determination of Primary Language.**

441 i. Schools will determine the primary language spoken by the
442 parent/guardian of each student upon the annual registration of students,
443 based upon information provided on PBS Form 0636 (New and
444 Returning Student Registration).

445 ii. Such information shall be maintained in TERMS relative to the student.

446 c. **Provision of Language Assistance Services.**

447 Schools must meet the language assistance needs of parents and students.
448 For this purpose, school will use: school-based bilingual personnel;
449 centralized translation and interpretation services in Spanish, Haitian, Creole,
450 Portuguese, and Q'anjob'al, and Mam; and/or telephone interpretation
451 services for less frequently spoken languages.

452 Parents may choose to rely on an adult friend/companion or relative for
453 language and interpretation services. Students and other children (under the
454 age of 18) may not serve as interpreters for school staff and parents during
455 any formal or informal meeting where student attendance, achievement or
456 conduct is discussed.

457 d. **Administrative Procedures.** *Consistent with Federal laws,* the
458 Superintendent or designee may develop additional procedures which will
459 include regulations for identifying parent and guardians who are unable to
460 communicate in English or who have LEP, and utilization of a variety of
461 methods to ensure adequate communication with parents and guardians
462 who have LEP.

463

464

465

466 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2);1001.42(8),(27);
467 1001.43(8); 1003.02 (1)(b); 1003.24, 1003.26;
468 LAWS IMPLEMENTED: Fla. Stat. §§ 1003.02; 1003.21; 1003.23; 1003.24; 1003.26;
469 1003.27; 322.091; 984.151
470 STATE BOARD OF
471 EDUCATION RULES: 6A-1.09513, 6A-1.044, FAC
472 HISTORY: 6/18/97; 11/3/99; 10/22/08; 8/7/13; ___/___/14

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.09 and finds it legally sufficient for adoption by the Board.



Attorney

12/13/13

Date